

On April 2, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4770. Adulteration of cheese. U. S. v. 57 Boxes of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 9153. Sample Nos. 22577-F, 22580-F.)

On January 8, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 57 43-pound boxes of cheese at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 27, 1942, by G. W. Cummings from Groton, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Heart's Delight New York State Whole Milk Washed Curd Cheese Scoville, Brown & Co., Wellsville, N. Y."

On March 17, 1943, no claimant having appeared, judgment of condemnation was entered (amended July 14, 1943) and the product was ordered destroyed.

4771. Adulteration of cheese. U. S. v. 131 Boxes of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 8875. Sample No. 7580-F.)

On November 12, 1942, the United States attorney for the Eastern District of Wisconsin filed a libel against 131 boxes of cheese at Mayville, Wis., alleging that the article had been shipped in interstate commerce on or about October 23, 1942, by Steele Wedeles Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On July 10, 1943, the case having been called and no claim or answer appearing in the record, judgment of condemnation was entered and the product was ordered destroyed.

4772. Adulteration of Eatette Cheese Food. U. S. v. 30 Cases of Eatette American Cheese Food. Default decree of condemnation and destruction. (F. D. C. No. 9348. Sample No. 23226-F.)

On February 8, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 30 cases of the above-named product at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 31, 1942, by the Fisher Dairy & Cheese Co. from Wapakoneta, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On February 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4773. Adulteration and misbranding of Colby cheese. U. S. v. Swift & Co. Plea of nolo contendere. Fine, \$200 and costs. (F. D. C. No. 8815. Sample Nos. 4472-F, 4473-F, 31854-F.)

On March 12, 1943, the United States attorney for the Northern District of Indiana filed an information against Swift & Co., a corporation, Marion, Ind., alleging shipment on or about November 9 and December 14, 1942, from the State of Indiana into the State of Ohio of a quantity of Colby cheese that was adulterated and misbranded. The article was labeled in part: (Label on boxes) "Brookfield Genuine Colby Brookfield Branded Colby Cheese."

The article was alleged to be adulterated in that a product containing moisture in excess of 40 percent, the solids of which contained less than 50 percent of milk fat, had been substituted for Colby cheese, a product which should contain not more than 40 percent of moisture and the solids of which should contain not less than 50 percent of milk fat.

The article was alleged to be misbranded in that it purported to be and was represented as Colby cheese, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but did not conform to such definition and standard since it contained more than 40 percent of moisture and its solids contained less than 50 percent of milk fat.

On April 5, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$200 and costs.

EGGS

4774. Adulteration of shell eggs. U. S. v. Conrad Bachmeyer (C. Bachmeyer). Plea of nolo contendere. Fine, \$10. (F. D. C. No. 8817. Sample No. 17783-F.)

On March 16, 1943, the United States attorney for the District of Connecticut filed an information against Conrad Bachmeyer, trading as C. Bachmeyer, a:

North Haven, Conn., alleging shipment on or about November 16, 1942, from the State of Connecticut into the State of New York of a quantity of shell eggs that were adulterated in that they consisted in whole or in part of a decomposed substance.

On April 1, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$10.

4775. Adulteration of shell eggs. U. S. v. 44 Cases of Shell Eggs. Product ordered released under bond for reclaiming good portion. (F. D. C. No. 9169. Sample No. 14616-F.)

On January 11, 1943, the United States attorney for the Southern District of California filed a libel against 44 cases, each containing 30 dozen, of eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 19, 1942, by the Spencer Produce Co., Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 23, 1943, Jack Levine, trading as the Rancho Egg Farms, Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment was entered ordering the product released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was candled and the unfit portion was destroyed or denatured.

4776. Adulteration of shell eggs. U. S. v. 258 Crates of Shell Eggs. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 9336. Sample No. 14622-F.)

On February 8, 1943, the United States attorney for the Southern District of California filed a libel against 258 crates, each containing 30 dozen, of shell eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 12, 1942, by Sol Rich and Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Crates) "Eggs 30 Dozen Lanesboro Produce Company Distributors Wells Minn."

On February 27, 1943, Nye & Nissen, Inc., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. The eggs were candled and the rejects were disposed of as tankage.

4777. Alleged adulteration and misbranding of liquid whole eggs. U. S. v. Golden Eagle Farm Products, Inc. Plea of not guilty. Tried to a jury. Verdict of not guilty. (F. D. C. No. 8746. Sample No. 84398-E.)

On April 2, 1943, the United States attorney for the Southern District of New York filed an information against the Golden Eagle Farm Products, Inc., New York, N. Y., alleging shipment on or about May 12, 1942, from the State of New York into the State of New Jersey of a number of drums of liquid whole eggs that were adulterated and misbranded.

The article was alleged to be adulterated (1) in that a product high in reducing sugars had been substituted wholly or in part for whole eggs, and (2) in that a product high in reducing sugars had been added to the article or had been mixed and packed with it so as to reduce its quality or strength.

It was alleged to be misbranded (1) in that the statement, "Whole Eggs," borne on the tag attached to the drums was false and misleading; and (2) in that it purported to be liquid whole eggs, a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, but did not conform to such definition and standard in that it did not consist of eggs of the domestic hen broken from the shells and with yolks and whites in their natural proportions as so broken.

On June 5, 1942, a plea of not guilty having been entered on behalf of the defendant, the case was tried to a jury. The trial was concluded on June 8, 1942, and the jury returned a verdict of not guilty.

4778. Adulteration of dried whole egg powder. U. S. v. 62 Boxes of Spray Process Whole Egg Powder. Default decree of condemnation and destruction. (F. D. C. No. 9260. Sample No. 12026-F.)

On February 9, 1943, the United States attorney for the Western District of Washington filed a libel against 62 40-pound boxes of whole egg powder at Seattle, Wash., alleging that the article had been delivered to the dock at Seattle, Wash., on or about September 21, 1942, by Guy F. Atkinson Co., for